IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.291 OF 2004

Dnyanmauli Shikshan Sanstha. .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents
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Shri E.R.Naik for the petitioner.

Shri A.H.Palekar, AGP for the respondents.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 23rd NOVEMBER, 2004.

P.C.

1. Heard the learned advocates for the parties.

2. The grievance of the petitioner is that during the period from 7th May, 2004 till September last during which the order dated 18th September, 2003 in Writ Petition No.6041 of 2003 was in force, the respondents could not have operated and run the school in the Village Juzarpur, Taluka - Sangola, District - Solapur, and as during the said period, ad interim relief granted under the order dated 18th September, 2003 in the Writ Petition No.6041 of 2003 was very much in force and having run the said School during the said period, the respondents are liable for

contempt of Court. Undisputedly, in September last, the Writ Petition No.6041 of 2003 had been dismissed. Consequently, ad interim relief granted on 18th September, 2003 also stood vacated. The efforts on the part of the petitioner to get the order of Division Bench set aside by approaching the Apex Court also could not yield any fruitful result. Being so, there has been no order as such restraining the respondents from conducting the said school in the said village.

3. Undoubtedly, by an order dated 18th September, 2003, there was a restrain imposed upon the respondents from conducting the said school. However, the said order was vacated by the subsequent order dated 25th November, 2003. Equally it is true that the ad-interim order dated 18th September, 2003 passed by this Court was restored by the Apex Court by its order dated 7th May, 2004 in the Civil Appeal No.3077 of 2004, till the disposal of the said Writ Petition by this Court. In the circumstances, the respondents would not have been entitled to run or conduct the school since 7th May, 2004 till the disposal of the Writ Petition.

4. In support of the contention that the

respondents have been running the school during the period from 7th May, 2004, the petitioner has filed seven affidavits. All the affidavits are sterio-typed affidavits alleging that the respondents are running the other school in Taluka Sangola. Though all the Deponents are from the Village Jujarpur, Taluka-Sangola, none of the Deponents in their affidavits has stated that the school which they are referring to is situated in the village of Jujarpur. Their statement is that such a school is being run in Taluka - Sangola. Besides, some of the Deponents have signed the affidavits in Deonagari without disclosing the fact that the contents of the affidavits were translated and interpreted to them and they had understood the facts stated therein and that the facts stated therein were being true and correct to their knowledge. That apart, all the affidavits are sterio-typed affidavits. In the circumstances, when the serious allegation of contempt of Court is being levelled against the respondents, it is unsafe to rely upon such affidavits to initiate such proceedings against the respondents. Apart from the said affidavits, there is no other material placed on record in support of the contention that during the relevant period, the respondents had been running the said school in the said Village. None of the

affidavits, as stated above, discloses that the school has been run in Village-Jujarpur. Being so, there is no prima facie case made out for proceeding against the respondents for contempt of Court in relation to the order dated 7th May, 2004. Hence, the petition is rejected. The proceedings are dropped and the notice stands discharged. -----